



# राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, मंगलवार, ३० जनवरी, १९६८/१० माघ, १८८६

## GOVERNMENT OF HIMACHAL PRADESH

VIDHAN SABHA SECRETARIAT

NOTIFICATION

*Simla-4, the 22nd January, 1968*

**No. 1-15/61-VS.**—In pursuance of Rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1964 “The Himachal Pradesh Court Fees Bill, 1968” (Bill No. 7 of 1968) as introduced in the Himachal Pradesh Legislative Assembly on the 22nd January, 1968 is hereby published in the Government Gazette.

D. B. LAL,  
Secretary.

## THE HIMACHAL PRADESH COURT FEES BILL, 1968

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

## BILL

*to levy Court Fees in the Union territory of Himachal Pradesh.*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Eighteenth Year of the Republic of India as follows:—

## CHAPTER I

## PRELIMINARY

- Short title, extent and commencement. 1. (1) This Act may be called the Himachal Pradesh Court Fees Act, 1968. 5
- (2) It extends to the whole of the Union territory of Himachal Pradesh.
- (3) It shall come into force at once.
- Definitions. 2. In this Act unless the context otherwise requires,— 10
- (a) "High Court" means the High Court of Delhi;
- (b) "Official Gazette" means the Rajpatra Himachal Pradesh;
- (c) "State Government" means the Lieutenant Governor of the Union territory of Himachal Pradesh.

## CHAPTER II

## FEES IN THE HIGH COURT

- Levy of fees in the High Court. 3. The fees payable for the time being to the clerks and officers of the High Court or chargeable in that Court under No. 9 of the First, and Nos. 7, 10, 11, 16 and 17 of the Second Schedule to this Act annexed shall be collected in the manner hereinafter appearing. 15
- Fees on documents filed, etc., in the High Court in its ordinary and extraordinary jurisdiction. 4. No document of any of the kinds specified in the First or Second Schedule to this Act annexed, as chargeable with fees, shall be filed, exhibited or recorded in, or shall be received or furnished by, the High Court in any case coming before such Court— 20
- (a) in the exercise of its ordinary or extraordinary original civil jurisdiction; or 25
- (b) in the exercise of its jurisdiction as regards appeals from the Courts subject to its superintendence; or
- (c) or in the exercise of its jurisdiction as a Court of reference or revision; or
- (d) in the exercise of its jurisdiction to issue directions, orders or writs under the Constitution of India; or 30
- (e) in the exercise of its jurisdiction in any other manner;
- unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said schedules as the proper fee for such document. 35

5. (1) When any difference arises between the officer whose duty it is to see that any fee is paid under this chapter and any suitor or attorney, as to the necessity of paying a fee or the amount thereof, the question shall when the difference arises in the High Court be referred to the Taxing Officer, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the Chief Justice of the High Court or of such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf.

Procedure in case of difference as to necessity or amount of fee.

- 10 (2) The Chief Justice of the High Court shall declare who shall be the Taxing Officer for the purpose of sub-section (1).

### CHAPTER III

#### FEES IN OTHER COURTS AND IN PUBLIC OFFICES

- 15 6. Except in the High Court, no document of any of the kinds specified as chargeable in the First or Second Schedule to this Act annexed shall be filed, exhibited or recorded in any Court of Justice, or shall be received or furnished by any public officer, unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said Schedules as the proper fee for such document.

Fees on documents filed, etc., in Mofussil Courts or in public offices.

- 20 7. The amount of fee payable under this Act in the suits next hereinafter mentioned shall be computed as follows:—

Computation of fees payable in certain suits.

- (i) In suits for money (including suits for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically)—according to the amount claimed; for money.
- 25 (ii) (a) in suits for maintenance and annuities or other sums payable periodically—according to the value of the subject matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year; for maintenance and annuities.
- 30 (b) in suits for reduction or enhancement of maintenance and annuities or other sums payable, periodically—according to the value of the subject matter of the suit and such value shall be deemed to be ten times the amount sought to be reduced or enhanced for one year;
- (iii) in suits for movable property other than money, where the subject matter has a market-value—according to such value at the date of presenting the plaint; for other movable property having a market-value.
- 35 (iv) In suits—

- (a) for movable property where the subject-matter has no market-value, as, for instance, in the case of documents relating to title; for movable property of no market-value.

to enforce a right to share in joint family property.	(b) to enforce the right to share in any property on the ground that it is joint family property;	
for a declaratory decree and consequential relief.	(c) to obtain a declaratory decree or order, where consequential relief is prayed;	
for an injunction.	(d) to obtain an injunction;	5
for easements.	(e) for a right to some benefit (not herein otherwise provided for) to arise out of land; and	
for accounts.	(f) for accounts—	
	according to the amount at which the relief sought is valued in the plaint or memorandum of appeal.	10
	In all such suits the plaintiff shall state the amount at which he values the relief sought:	
	Provided that the minimum court-fee in each case shall be thirteen rupees:	
	Provided further that in suit coming under sub-clause (c), in cases where the relief sought is with reference to any property such valuation shall not be less than the value of the property calculated in the manner provided for by clause (v) of this section.	15
for possession of land, houses and gardens.	(v) In suits for the possession of land, houses and gardens—according to the value of the subject-matter and such value shall be deemed to be—	20
	where the subject-matter is land, and—	
	(a) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government;	
	or forms part of such an estate and is recorded in the Collector's register as separately assessed with such revenue,	25
	and such revenue is permanently settled—ten times the revenue so payable;	
	(b) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government or forms part of such estate and is recorded as aforesaid;	30
	and such revenue is settled, but not permanently—ten times the revenue so payable;	
	(c) where the land pays no such revenue, or has been partially exempted from such payment,	35
	or is charged with any fixed payment in lieu of such revenue;	
	and nett profits have arisen from the land during the year next before the date of presenting the plaint—fifteen times such nett profits, but where no such nett profits have arisen therefrom—the amount at which the Court shall estimate the land with reference to the value of similar land in the neighbourhood;	40

- (d) where the land forms part of an estate paying revenue to Government, but is not a definite share of such estate and is not separately assessed as above mentioned—the market-value of the land;

5 *Explanation.*—The word “estate”, as used, in this paragraph means any land subject to the payment of revenue, for which the proprietor or a farmer or ryot shall have executed a separate engagement to Government, or which, in the absence of such engagement, shall have been separately assessed with revenue;

- 10 (e) where the subject-matter is house or garden—according to the market-value of the house or garden; for houses and gardens.
- (vi) in suits to enforce a right of pre-emption—according to the value (computed in accordance with paragraph (v) of this section) of the land, house or garden in respect of which the right is claimed; to enforce a right of pre-emption.
- 15 (vii) in suits for the interest of an assignee of land revenue—fifteen times his nett profits as such for the year next before the date of presenting the plaint; for interest of assignee of land revenue.
- (viii) in suits to set aside an attachment of land or of an interest in land or revenue—according to the amount for which the land or interest was attached: to set aside an attachment.

20 Provided that, where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest;

- 25 (ix) in suits against a mortgagee for the recovery of the property mortgaged—according to half the principal money expressed to be secured by the instrument of mortgage; to redeem.

and in suits by mortgagee to foreclose the mortgage, or, where the mortgage is made by conditional sale, to have the sale declared absolute— to fore close.

according to the principal money expressed to be secured by the instrument of mortgage;

- 30 (x) in suits for specific performance.— for specific performance.

- (a) of a contract of sale—according to the amount of the consideration;
- (b) of a contract of mortgage—according to the amount agreed to be secured;
- 35 (c) of a contract of lease—according to the aggregate amount of the fine or premium (if any) and of the rent agreed to be paid during the first year of the term;
- (d) of an award—according to the amount or value of the property in dispute;

- (xi) in the following suits between landlord and tenant.— between landlord and tenant.
- 40 (a) for the delivery by a tenant of the counterpart of a lease;
- (b) to enhance the rent of a tenant having a right of occupancy;
- (c) for the delivery by a landlord of a lease;
- (d) for the recovery of immovable property from a tenant, including a tenant holding over after the determination of a tenancy;
- 45 (e) to contest a notice of ejectment;
- (f) to recover the occupancy of immovable property from which a tenant has been illegally ejected by the landlord; and

## (g) for abatement of rent—

according to the amount of the rent of the immovable property to which the suit refers, payable for the year next before the date of presenting the plaint.

- Fee on memorandum of appeal against order relating to compensation.** 8. The amount of fee payable under this Act on a memorandum of appeal against an order relating to compensation under any Act for the time being in force for the acquisition of land for public purposes, shall be computed according to the difference between the amount awarded and the amount claimed by the appellant. 5
- Power to ascertain nett profits or market-value** 9. If the Court sees reason to think that the annual nett profits or the market-value of any such land, house or garden as is mentioned in section 7, paragraphs 5 and 6, have or has been wrongly estimated, the Court may, for the purpose of computing the fee payable in any suit therein mentioned, issue a commission to any proper person directing him to make such local or other investigation as may be necessary, and to report thereon to the Court. 15
- Procedure where nett profits or market-value wrongly estimated.** 10. (1) If in the result of any such investigation the Court finds that the nett profits or market-value have or has been wrongly estimated, the Court, if the estimation has been excessive, may in its discretion refund the excess paid as such fee; but, if the estimation has been insufficient, the Court shall require the plaintiff to pay so much additional fee as would have been payable had the said market-value or nett profits been rightly estimated. 20
- (2) In such case the suit shall be stayed until the additional fee is paid and if the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed.
- Procedure in suits for mesne profits or account when amount decreed exceeds amount claimed.** 11. (1) In suits for mesne profits or for immovable property and mesne profits, or for an account, if the profits or amount decreed are or is in excess of the profits claimed or the amount at which the plaintiff valued the relief sought, the decree shall not be drawn up until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits or amount so decreed shall have been paid to the proper officer. 25
- (2) Where the amount of mesne profits is left to be ascertained in the course of the execution of the decree, if the profits so ascertained exceed the profits claimed, the further execution of the decree shall be stayed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits so ascertained is paid and if the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed. 30
- Decision of questions as to valuation.** 12. (1) Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this chapter on a plaint or memorandum of appeal shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed, and such decision shall be final as between the parties to the suit. 35
- (2) But whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided to the detriment of the revenue, it shall require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided, and the provisions of sub-section (2) of section 10 shall apply. 40
- 45

5 of 1908 13. If an appeal or plaint, which has been rejected by the lower court on any of the grounds mentioned in the Code of Civil Procedure, 1908, is ordered to be received, or if a suit is remanded in appeal under order XLI, rule 23, of the First Schedule to that Code for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate, authorising him to receive back from the Collector the full amount of fee paid on the memorandum of appeal:

Refund of fee paid on memorandum of appeal.

10 Provided that if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorise the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

15 14. Where an application for a review of judgment is presented on or after the ninetieth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches, may, in its discretion, grant him a certificate authorising him to receive back from the Collector so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day.

Refund of fee on application for review of judgment.

20 15. Where an application for a review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorising him to receive back from the Collector so much of the fee paid on the application as exceeds the fee payable on any other application to such Court under the Second Schedule to this Act, No. 1, clause, (b) or clause (d).

Refund where Court reverses or modifies its former decision on ground of mistake.

But nothing in the former part of this section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

30 16. Where a suit embraces two or more distinct subjects, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees to which the plaints or memoranda of appeal in suits embracing separately each of such subjects would be liable under this Act.

Multifarious suits.

5 of 1908 35 Nothing in the former part of this section shall be deemed to affect the power conferred by Order II, Rule 6, of the First Schedule to the Code of Civil Procedure, 1908

40 5 of 1898 17. When the first or only examination of a person who complains of the offence of wrongful confinement, or of wrongful restraint, or of any offence other than an offence for which police officers may arrest without a warrant, and who has not already presented a petition on which a fee has been levied under this Act, is reduced to writing under the provisions of the Code of Criminal Procedure, 1898 the complainant shall pay a fee of one rupee and twenty-five paise, unless the Court thinks fit to remit such payment.

Written examinations of complainants.

45 18. Nothing contained in this Act shall render the following documents chargeable with any fee:—

Exemption of certain documents.

(i) Power-of-attorney to institute or defend a suit when executed by a member of any of the Armed Forces of the Union not in Civil employment.



- (ii) Written statements called for by the Court after the first hearing of a suit.
- (iii) Probate of a will and letters of administration, where the amount or value of the property in respect of which the probate or letters shall be granted does not exceed one thousand rupees. 5
- (iv) Application or petition to a Collector or other officer making a settlement of land-revenue, or to a Board of Revenue, or a Commissioner of Revenue, relating to matters connected with the assessment of land, or the ascertainment of rights thereto or interests therein, if presented previous to the final confirmation of such settlement. 10
- (v) Application relating to a supply for irrigation of water belonging to Government.
- (vi) Application for leave to extend cultivation, or to relinquish land, when presented to an officer of land revenue by a person holding, under direct engagement with Government, land of which the revenue is settled, but not permanently. 15
- (vii) Application for service of notice of relinquishment of land or of enhancement of rent.
- (viii) Written authority to an agent to distrain. 20
- (ix) First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court. 25
- (x) Bail-bonds in criminal cases, recognizances to prosecute or give evidence, and recognizances for personal appearance or otherwise.
- (xi) Petition, application, charge or information respecting any offence, when presented, made or laid to or before a police officer. 30
- (xii) Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.
- (xiii) Complaint of a public servant as defined in the Indian Penal Code, 1860 a municipal officer, or an officer or servant of a Railway Company. 35  
45 of 1860
- (xiv) Application for permission to cut timber in Government forests, or otherwise relating to such forests.
- (xv) Application for the payment of money due by Government to the applicant. 40
- (xvi) Petition of appeal against any municipal tax.
- (xvii) Applications for compensation under any law for the time being in force relating to the acquisition of property for public purposes.
- (xviii) Petitions under the Indian Christian Marriage Act, 1872 sections 45 and 48. 15 of 1872  
45



## CHAPTER IV

### PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATES OF ADMINISTRATION

19. Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a court-fee thereon, if within six months after the true value of the property has been ascertained, such person,—

Relief where too high a court-fee has been paid.

- (a) produces the probate or letters to the Chief Controlling Revenue Authority for the local area in which the probate or letters has or have been granted;
- (b) delivers to such authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation; and
- (c) if such authority is satisfied that a greater fee was paid on the probate or letters than the law required,

the said Authority may—

- (a) cancel the stamp on the probate or letters, if such stamp has not been already cancelled;
- (b) substitute another stamp for denoting the court-fee which should have been paid thereon; and
- (c) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

20. Whenever it is proved to the satisfaction of the authority referred to in section 19 that an executor or administrator has paid debts due from the deceased to such an amount as, being deducted out of the amount or value of the estate, reduces the same to a sum which, if it had been the whole gross amount or value of the estate, would have occasioned a less court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Act, such authority may return the difference, provided the same be claimed within three years after the date of such probate or letters.

Relief where debts due from a deceased person have been paid out of his estate.

But when, by reason of any legal proceeding, the debts due from the deceased have not been ascertained and paid, or his effects have not been recovered and made available, and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said authority, may allow such further time for making the claim as may appear to be reasonable under the circumstances.

21. (1) Whenever a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act when a like grant is made in respect of the whole or any part of the same property belonging to the same estate.

Relief in case of several grants.

(2) Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

22. The probate of the will, or the letters of administration of the effects of any person deceased heretofore or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring

Probates declared valid as to

trust-property though not covered by court-fees.

or assigning any moveable or immoveable property whereof or whereto the deceased was possessed or entitled, either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a court-fee was paid on such probate or letters of administration.

5

Provision for case where too low a court-fee has been paid on probates, etc.

23. Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterward proved to be, and has in consequence paid too low a court-fee thereon, the Chief Controlling Revenue Authority for the local area in which the probate or letters has or have been granted may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full court-fee which ought to have been originally paid thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or if it or they is or are produced after one year from such date, of twenty times, such proper court-fee, without any deduction of the court-fee originally paid on such probate or letters:

10

15

Provided that, if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a court-fee was at first paid on the probate or letters, and if the said authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, and without any intention of fraud or to delay the payment of the proper court-fee, the said authority may remit the said penalty, and cause the probate or letters to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

20

25

Administrator to give proper security before letters stamped under section 23.

24. In case of letters of administration on which too low a court-fee has been paid at first, the said authority shall not cause the same to be duly stamped in the manner referred to in section 23 aforesaid until the administrator has given such security to the Court by which the letters of administration have been granted as ought by law to have been given on the granting thereof in case the full value of the estate of the deceased had been then ascertained.

30

Executors, etc., not paying full court-fee on probates etc., within six months after discovery of under-payment.

25. Where too low a court-fee has been paid on any probate or letters of administration in consequence of any mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters does not, within six months after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, apply to the said authority and pay what is wanting to make up the court-fee which ought to have been paid at first on such probate or letters, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten rupees per cent, on the amount of the sum wanting to make up the proper court-fee.

35

40

Notice of applications for probate or letters of administration to be given to Revenue

26. (1) Where an application for probate or letters of administration is made to any Court other than the High Court, the Court shall cause notice of the application to be given to the Collector.

45

(2) Where such an application as aforesaid is made to the High Court, that Court shall cause notice of the application to be given to the Chief Controlling Revenue Authority.

(3) The Collector within the local limits of whose revenue jurisdiction

50

the property of the deceased or any part thereof, is, may at any time inspect or cause to be inspected, and take or cause to be taken copies of, the record of any case in which application for probate or letters of administration has been made; and if, on such inspection or otherwise, he is of opinion that the petitioner has under-estimated the value of the property of the deceased, the Collector, may, if he thinks fit, require the attendance of the petitioner (either in person or by agent) and take evidence and inquire into the matter in such manner as he may think fit, and, if he is still of opinion that the value of the property has been under-estimated, may require the petitioner to amend the valuation.

Authorities and procedure thereon.

(4) If the petitioner does not amend the valuation to the satisfaction of the Collector, the Collector may move the Court before which the application for probate or letters of administration was made, to hold an inquiry into the true value of the property:

15 Provided that no such motion shall be made after the expiration of six months from the date of the exhibition of the inventory required by section 317 of the Indian Succession Act, 1925.

39 of 1925.

(5) The Court, when so moved as aforesaid, shall hold, or cause to be held, an inquiry accordingly, and shall record a finding as to the true value, as near as may be, at which the property of the deceased should have been estimated and the Collector shall be deemed to be a party to the inquiry.

(6) For the purposes of any inquiry, under sub-section (5), the Court or any person authorised by the Court to hold the inquiry may examine the petitioner for probate or letters of administration on oath (whether in person or by commission), and may take such further evidence as may be produced to prove the true value of the property and such person shall return to the Court the evidence taken by him and report the result of the inquiry, and such report and the evidence so taken shall be evidence in the proceeding, and the Court may record a finding in accordance with the report, unless it is satisfied that it is erroneous.

(7) The finding of the Court recorded under sub-section (5) shall be final, but shall not bar the entertainment and disposal by the Chief Controlling Revenue Authority of any application under section 23.

(8) The State Government may make rules for the guidance of Collectors in the exercise of the powers conferred by sub-section (3).

27. (1) No order entitling the petitioner to the grant of probate or letters of administration shall be made upon an application for such grant until the petitioner has filed in the Court a valuation of the property in the form set forth in the Third Schedule, and the Court is satisfied that the fee mentioned in No. 9 of the First Schedule has been paid on such valuation.

Payment of court-fees in respect of probates and letters of administration.

(2) The grant of probate or letters of administration shall not be delayed by reason of any motion made by the Collector under sub-section (4) of section 26.

28. (1) Any excess fee found to be payable on an inquiry held under sub-section (6) of section 26 and any penalty or forfeiture under section 25 may, on the certificate of the Chief Controlling Revenue Authority, be recovered from the executor or administrator as if it were an arrear of land-revenue by any Collector.

Recovery of penalties, etc.

(2) The Chief Controlling Revenue Authority may remit the whole or any part of any such penalty or forfeiture as aforesaid, or any part of any

penalty under section 23 or of any court-fee under section 23 in excess of the full court-fee which ought to have been paid.

Sections 6 and 37 not to apply to probates or letters of administration.

29. Nothing in section 6 or section 37 shall apply to probates or letters of administration.

## CHAPTER V

### PROCESS FEES

Rules as to costs of processes.

30. (1) The High Court shall, as soon as may be, make rules as to the following matters namely:—

- (a) the fees chargeable for serving and executing processes issued by such Court in its appellate jurisdiction, and by the other Civil Courts established within the local limits of such jurisdiction; 10
- (b) the fees chargeable for serving and executing processes issued by the Criminal Courts established within such limits in the case of offences other than offences for which police officers may arrest without a warrant; and 15
- (c) the remuneration of the peons and all other persons employed by leave of a Court in the service or execution of processes.

(2) The High Court may from time to time alter or add to the rules made under sub-section (1).

(3) All rules made under sub-section (1) and all alterations and additions made under sub-section (2) shall, after being confirmed by the State Government, be published in the Official Gazette, and shall thereupon have the force of law. 20

(4) Until any rules are made and published under this section, the fees leviable immediately before the commencement of this Act for serving and executing processes shall continue to be levied, and shall be deemed to be fees leviable under this Act. 25

Exemption for certain processes.

31. (1) Notwithstanding anything contained in section 30 or in the rules made thereunder, no fees shall be charged for serving and executing processes on behalf of:— 30

- (a) the prosecution in any criminal proceedings taken on information presented or complaint made by a public officer acting in his official capacity; and
- (b) a liquidator or an arbitrator appointed under the provisions of the Himachal Pradesh Co-operative Societies Act, 1956. 35

(2) The State Government may by notification in the Official Gazette determine what persons shall be deemed to be public officers for the purpose of sub-section (1). 13

Tables of process fees.

32. A table in the English and Vernacular languages, showing the fees chargeable for serving and executing processes shall be exposed to view in a conspicuous part of each Court. 40

Number of peons in District and subordinate Courts.

33. (1) Subject to such rules as may be made by the High Court and approved by the State Government every District Judge and every Magistrate of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court and each of the Courts subordinate thereto. 45

9 of 1887. (2) For the purposes of this section, every Court of Small Causes established under section 5 of the Provincial Small Cause Courts Act, 1887, shall be deemed to be subordinate to the Court of the District Judge.

## CHAPTER VI

### 5 OF THE MODE OF LEVYING FEES

34. All fees referred to in section 3 or chargeable under this Act shall be collected by stamps: Collection of fees by stamps.

10 Provided that if the presiding Judge or the Head of the Office as the case may be or in the case of the High Court, any Judge of such Court, may if he is satisfied that Court-fees stamps are not available with the Stamp Vendor on the date of filing of the document to be stamped, order that the Court-fees be collected in cash in any Government treasury and the receipt or challan therefor shall be duly given by the officer-in-charge thereof; and any such receipt or challan may be used for the purposes of this Act and the rules thereunder, as if the receipt or challan were a stamp duly issued under this Act by the State Government for the amount paid.

20 35. The stamps used to denote any fees chargeable under this Act shall be impressed, or adhesive, or partly impressed and partly adhesive, as the State Government may, by notification in the Official Gazette from time to time direct. Stamps to be impressed or adhesive.

36. (1) The State Government may, from time to time, make rules for regulating—

- (a) the supply of stamps to be used under this Act;
  - (b) the number of stamps to be used for denoting any fee chargeable under this Act;
  - (c) the renewal of damaged or spoiled stamps; and
  - (d) the keeping accounts of all stamps used under this Act:
- Rules for supply, number, renewal and keeping accounts of stamps.

30 Provided that, in the case of stamps used under section 3 in the High Court, such rules shall be made with the concurrence of the Chief Justice of such court.

(2) All rules made under sub-section (1) shall be published in the Official Gazette, and shall thereupon have the force of law.

35 37. No document which ought to bear a stamp under this Act shall be of any validity, unless and until it is properly stamped, but if any such document is through mistake or inadvertence received, filed or used in any Court or office without being properly stamped, the presiding Judge or the head of the office as the case may be, or, in the case of the High Court any Judge of such Court may, if he thinks fit, order that such document be stamped as he may direct; and on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance. Stamping documents inadvertently received.

38. Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp. Amended document.

45 39. (1) No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled. Cancellation of stamp.

(2) Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

5

## CHAPTER VII

### MISCELLANEOUS

Admission in criminal cases of documents for which proper fee has not been paid.

40. Whenever the filing or exhibition in a Criminal Court of a document in respect of which the proper fee has not been paid is, in the opinion of the presiding Judge, necessary to prevent a failure of justice, nothing contained in section 4 or section 6 shall be deemed to prohibit such filing or exhibition.

10

Sale of stamps.

41. (1) The State Government may from time to time make rules for regulating the sale of stamps to be used under this Act, the persons by whom alone such sale is to be conducted, and the duties and remuneration of such persons.

15

(2) All such rules shall be published in the Official Gazette, and shall thereupon have the force of law.

(3) Any person appointed to sell stamps who disobeys any rule made under this section, and any person not so appointed who sells or offers for sale any stamp, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

20

Power to reduce or remit fees.

42. The State Government may, from time to time by notification in the Official Gazette, reduce or remit, in the whole or in any part of the Union territory of Himachal Pradesh, all or any of the fees mentioned in the First and Second Schedules to this Act annexed, and may in like manner cancel or vary such order.

25

Saving of fees to certain officers of the High Court.

43. Nothing in Chapters II and VI of this Act shall apply to the fees which any officer of the High Court is allowed to receive in addition to a fixed salary.

30

Repeal and savings.

44. The Court-fees Act, 1870 as extended to the Union territory of Himachal Pradesh by the notification of the Government of India in the Ministry of Home Affairs No. GSR-517/[F.4/4/63-UTI.-65], dated 18th March, 1964 and the Court Fees Act, 1870 as in force in the territories transferred to that Union territory under section 5 of the Punjab Re-organisation Act, 1966 are hereby repealed:

7 of 1870.

7 of 1870.

35

31 of 1966.

Provided that such repeal shall not affect—

(a) the previous operation of the said Acts or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Acts; or

40

(c) any penalty, forfeiture or punishment, incurred in respect of any offence committed against the said Acts; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

5 and any such investigation, legal proceeding or remedy may be instituted, contained or enforced and any such penalty, forfeiture or punishment may be imposed as if the said Acts, had not been repealed.

10 45. (1) Notwithstanding anything contained in the Acts repealed under section 44, fees shall be levied in suits or other proceedings instituted on or after the 1st day of May, 1967 and pending immediately before the commencement of this Act in the High Court by virtue, and in the exercise, of its ordinary original civil jurisdiction as if this Act had been in force on the respective dates on which any such proceedings were instituted.

Levy of fees in certain suits etc. instituted before the Commencement of this Act.

15 (2) Any fees levied in respect of suits or other proceedings instituted before the High Court by virtue, and in the exercise, of its ordinary original civil jurisdiction on or after the 1st day of May, 1967 and disposed of before the commencement of this Act shall be deemed to have been levied in accordance with law.



## THE FIRST SCHEDULE

(See section 3)

*Ad valorem Fees*

Number 1	— 2	Proper fee 3
1. Plaint, written statement pleading a set-off or counter-claim or memorandum of appeal (not otherwise provided for in this Act) or of cross-objection presented to any Civil or Revenue Court except those mentioned in section 3.	When the amount or value of the subject matter in dispute does not exceed five rupees.	Fifty paise.
	When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees.	Fifty paise.
	When such amount or value exceeds one hundred rupees, but does not exceed five hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to five hundred rupees.	One rupee.
	When such amount or value exceeds five hundred rupees, for every ten rupees, or part thereof, up to one thousand rupees.	One rupee fifty paise.
	When such amount or value exceeds one thousand rupees, for every one hundred rupees or part thereof, in excess of one thousand rupees, up to five thousand rupees.	Twelve rupees twenty paise.
	When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees.	Twenty-four rupees forty paise.
	When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees.	Thirty-six rupees fifty paise.
	When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof,	Forty-eight rupees eighty paise.

1	2	3
	in excess of twenty thousand rupees, up to thirty thousand rupees.	
	When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees.	Forty-eight rupees eighty paise.
	When such amount or value exceeds fifty thousand rupees, for every five thousand rupees or part thereof, in excess of fifty thousand rupees.	Forty-eight rupees eighty paise.
2. Complaint in a suit for possession under the Specific Relief Act, 1963 (47 of 1963) section 6.	..	A fee of one-half the amount prescribed in the foregoing scale.
3. Application for review of judgment, if presented on or after the ninetieth day from the date of the decree.	..	The fee leviable on the plaint or memorandum of appeal.
4. Application for review of judgment, if presented before the ninth day from the date of the decree.	..	One-half of the fee leviable on the plaint or memorandum of appeal.
5. Copy or translation of judgment or order not being, or having the force of a decree.	When such judgment or order is passed by any Civil Court other than the High Court or by the presiding officer of any Revenue Court or office, or by any other Judicial or Executive Authority.	One rupee twenty-five paise.
	When such judgment or order is passed by the High Court.	Two rupees sixty-five paise.
6. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than the High Court or by any Revenue Court.	Two rupees sixty-five paise.
	When such decree or order is made by the High Court.	Five rupees twenty-five paise.
7. Copy of any document liable to stamp duty under the Indian Stamp Act, 1899 (2 of 1899).	(a) When the stamp duty chargeable on the original does not exceed seventy-five paise.	The amount of the duty chargeable on the original.

1	2	3
When left by any party to a suit or proceeding in place of the original withdrawn, provided such copy is not subject to any duty under the Indian Stamp Act, 1899 (2 of 1899).	(b) In any other case.	One rupee.
8. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or Office, or from the office of any Chief Officer charged with the executive administration of a Division.	For every three hundred and sixty words or fraction of three hundred and sixty words.	Sixty-five paise.
9. Probate of a will or letters of administration with or without will annexed.	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, but does not exceed ten thousand rupees.	Two and one-half per centum on such amount or value.
	When such amount or value exceeds ten thousand rupees but does not exceed fifty thousand rupees.	Three and one-quarter per centum on such amount or value.
	When such amount or value exceeds fifty thousand rupees;	Four per centum on such amount or value.
	Provided that when after the grant of a certificate under Part X of the Indian Succession Act, 1925 (39 of 1925) or under the Regulation of the Bombay Code No. 8 of 1827 in respect of any property included in an estate, a grant of probate for letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the	

1	2	3
	fee paid in respect of the former grant.	
10. Certificate under Part X of the Indian Succession Act, 1925 (39 of 1925).	In any case.	Two and one-half per centum on the amount or value of any debt or security specified in the certificate under section 374 of the Act, and four per centum on the amount or value of any debt or security to which the certificate is extended under section 376 of the Act.  <i>Notes.</i> —(1) The amount of a debt is its amount including interest, on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.  (2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act, and, where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of, the security, or for both purposes, the value of the security is its market-value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.
11. Application to the High Court for the exercise of its jurisdiction under paragraph 35 of the Himachal Pradesh (Courts) Order, 1948 or to the Court of the Financial Commissioner, Himachal Pradesh, for the exercise of its revisional jurisdiction under section 118 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 (15 of 1954).	When the amount or value of the subject matter in dispute does not exceed twenty-five rupees.  When such amount or value exceeds twenty-five rupees.	Two rupees sixty-five paise.  The fee leviable on a memorandum of appeal.

TABLE OF RATES OF *AD VALOREM* FEES LEVIABLE ON THE INSTITUTION OF SUITS

When the amount or value of the subject-matter exceeds 1	But does not exceed 2	Proper fee 3
Rs.	Rs.	Rs. P.
—	5	0.50
5	10	1.00
10	15	1.50
15	20	2.00
20	25	2.50
25	30	3.00
30	35	3.50
35	40	4.00
40	45	4.50
45	50	5.00
50	55	5.50
55	60	6.00
60	65	6.50
65	70	7.00
70	75	7.50
75	80	8.00
80	85	8.50
85	90	9.00
90	95	9.50
95	100	10.00
100	110	11.00
110	120	12.00
120	130	13.00
130	140	14.00
140	150	15.00
150	160	16.00
160	170	17.00
170	180	18.00
180	190	19.00
190	200	20.00
200	210	21.00
210	220	22.00
220	230	23.00
230	240	24.00
240	250	25.00
250	260	26.00
260	270	27.00
270	280	28.00
280	290	29.00
290	300	30.00
300	310	31.00
310	320	32.00
320	330	33.00
330	340	34.00
340	350	35.00
350	360	36.00
360	370	37.00
370	380	38.00
380	390	39.00
390	400	40.00
400	410	41.00
410	420	42.00
420	430	43.00
430	440	44.00
440	450	45.00
450	460	46.00
460	470	47.00

1	2	3
Rs.	Rs.	Rs. P.
470	480	48.00
480	490	49.00
490	500	50.00
500	510	50.00
510	520	76.50
520	530	78.00
530	540	79.50
540	550	81.00
550	560	82.50
560	570	84.00
570	580	85.50
580	590	87.00
590	600	88.50
600	610	90.00
610	620	91.50
620	630	93.00
630	640	94.50
640	650	96.00
650	660	97.50
660	670	99.00
670	680	100.50
680	690	102.00
690	700	103.50
700	710	105.00
710	720	106.50
720	730	108.00
730	740	109.50
740	750	111.00
750	760	112.50
760	770	114.00
770	780	115.50
780	790	117.00
790	800	118.50
800	810	120.00
810	820	121.50
820	830	123.00
830	840	124.50
840	850	126.00
850	860	127.50
860	870	129.00
870	880	130.50
880	890	132.00
890	900	133.50
900	910	135.00
910	920	136.50
920	930	138.00
930	940	139.50
940	950	141.00
950	960	142.50
960	970	144.00
970	980	145.50
980	990	147.00
990	1,000	148.50
1,000	1,100	150.00
1,100	1,200	162.20
1,200	1,300	174.40
1,300	1,400	186.60
1,400	1,500	198.80
1,500	1,600	211.00
1,600	1,700	223.20
1,700	1,800	235.40
1,800	1,900	247.60
		259.80

1	2	3
Rs.	Rs.	Rs. P.
1,900	2,000	272.00
2,000	2,100	284.20
2,100	2,200	296.40
2,200	2,300	308.60
2,300	2,400	320.80
2,400	2,500	333.00
2,500	2,600	345.20
2,600	2,700	357.40
2,700	2,800	369.60
2,800	2,900	381.80
2,900	3,000	394.00
3,000	3,100	406.20
3,100	3,200	418.40
3,200	3,300	430.60
3,300	3,400	442.80
3,400	3,500	455.00
3,500	3,600	467.20
3,600	3,700	479.40
3,700	3,800	491.60
3,800	3,900	503.80
3,900	4,000	516.00
4,000	4,100	528.20
4,100	4,200	540.40
4,200	4,300	552.60
4,300	4,400	564.80
4,400	4,500	577.00
4,500	4,600	589.20
4,600	4,700	601.40
4,700	4,800	613.60
4,800	4,900	625.80
4,900	5,000	638.00
5,000	5,250	662.40
5,250	5,500	686.80
5,500	5,750	711.20
5,750	6,000	735.60
6,000	6,250	760.00
6,250	6,500	784.40
6,500	6,750	808.80
6,750	7,000	833.20
7,000	7,250	857.60
7,250	7,500	882.00
7,500	7,750	906.40
7,750	8,000	930.80
8,000	8,250	955.20
8,250	8,500	979.60
8,500	8,750	1,004.00
8,750	9,000	1,028.40
9,000	9,250	1,052.80
9,250	9,500	1,077.20
9,500	9,750	1,101.60
9,750	10,000	1,126.00
10,000	10,500	1,162.50
10,500	11,000	1,199.00
11,000	11,500	1,235.50
11,500	12,000	1,272.00
12,000	12,500	1,308.50
12,500	13,000	1,345.00
13,000	13,500	1,381.50
13,500	14,000	1,418.00
14,000	14,500	1,454.50
14,500	15,000	1,491.00
15,000	15,500	1,527.50
15,500	16,000	1,564.00



1	2	3
Rs.	Rs.	Rs. P.
16,000	16,500	1,600.50
16,500	17,000	1,637.00
17,000	17,500	1,673.50
17,500	18,000	1,710.00
18,000	18,500	1,746.50
18,500	19,000	1,783.00
19,000	19,500	1,819.50
19,500	20,000	1,856.00
20,000	21,000	1,904.80
21,000	22,000	1,953.60
22,000	23,000	2,002.40
23,000	24,000	2,051.20
24,000	25,000	2,100.00
25,000	26,000	2,148.80
26,000	27,000	2,197.60
27,000	28,000	2,246.40
28,000	29,000	2,295.20
29,000	30,000	2,344.00
30,000	32,000	2,392.80
32,000	34,000	2,441.06
34,000	36,000	2,490.40
36,000	38,000	2,539.20
38,000	40,000	2,588.00
40,000	42,000	2,636.80
42,000	44,000	2,685.60
44,000	46,000	2,734.40
46,000	48,000	2,783.20
48,000	50,000	2,832.00
50,000	55,000	2,880.80
55,000	60,000	2,929.60
60,000	65,000	2,978.40
65,000	70,000	3,027.20
70,000	75,000	3,076.00
75,000	80,000	3,124.80
80,000	85,000	3,173.60
85,000	90,000	3,222.40
90,000	95,000	3,271.20
95,000	1,00,000	3,320.00
1,00,000	1,05,000	3,368.80
1,05,000	1,10,000	3,417.60
1,10,000	1,15,000	3,466.40
1,15,000	1,20,000	3,515.20
1,20,000	1,25,000	3,564.00
1,25,000	1,30,000	3,612.80
1,30,000	1,35,000	3,661.60
1,35,000	1,40,000	3,710.40
1,40,000	1,45,000	3,759.20
1,45,000	1,50,000	3,808.00
1,50,000	1,55,000	3,856.80
1,55,000	1,60,000	3,905.60
1,60,000	1,65,000	3,954.40
1,65,000	1,70,000	4,003.20
1,70,000	1,75,000	4,052.00
1,75,000	1,80,000	4,100.80
1,80,000	1,85,000	4,149.60
1,85,000	1,90,000	4,198.40
1,90,000	1,95,000	4,247.20
1,95,000	2,00,000	4,296.00
2,00,000	2,05,000	4,344.80
2,05,000	2,10,000	4,393.60
2,10,000	2,15,000	4,442.40
2,15,000	2,20,000	4,491.20
2,20,000	2,25,000	4,540.00

1	2	3
Rs.	Rs.	Rs. P.
2,25,000	2,30,000	4,588.80
2,30,000	2,35,000	4,637.60
2,35,000	2,40,000	4,686.40
2,40,000	2,45,000	4,735.20
2,45,000	2,50,000	4,784.00
2,50,000	2,55,000	4,832.80
2,55,000	2,60,000	4,881.60
2,60,000	2,65,000	4,930.40
2,65,000	2,70,000	4,979.20
2,70,000	2,75,000	5,028.00
2,75,000	2,80,000	5,076.80
2,80,000	2,85,000	5,125.60
2,85,000	2,90,000	5,174.40
2,90,000	2,95,000	5,223.20
2,95,000	3,00,000	5,272.00
3,00,000	3,05,000	5,320.80
3,05,000	3,10,000	5,369.60
3,10,000	3,15,000	5,418.40
3,15,000	3,20,000	5,467.20
3,20,000	3,25,000	5,516.00
3,25,000	3,30,000	5,564.80
3,30,000	3,35,000	5,613.60
3,35,000	3,40,000	5,662.40
3,40,000	3,45,000	5,711.20
3,45,000	3,50,000	5,760.00
3,50,000	3,55,000	5,808.80
3,55,000	3,60,000	5,857.60
3,60,000	3,65,000	5,906.40
3,65,000	3,70,000	5,955.20
3,70,000	3,75,000	6,004.00
3,75,000	3,80,000	6,052.80
3,80,000	3,85,000	6,101.60
3,85,000	3,90,000	6,150.40
3,90,000	3,95,000	6,199.20
3,95,000	4,00,000	6,248.00

And when the amount or value of the subject-matter exceeds rupees 4,00,000 (four lacs) the proper fee leviable shall be Rs. 6,248 (six thousand two hundred and forty-eight) plus forty-eight rupees eighty paise for each five thousand rupees or part thereof, in excess of rupees 4,00,000 (four lacs).

## THE SECOND SCHEDULE

(See section 3)

### FIXED FEES

Number 1	— 2	Proper fee 3
1. Application petition.	or (a) When presented to any Officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government and when the subject- matter of such applica- tion relates exclusively to those dealings;  or when presented to any Officer of Land Revenue by any person holding	

1

2

3

temporarily settled land under direct engagement with Government; and when the subject-matter of the application or petition relates exclusively to such engagement;

or when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement;

or when presented to any Civil Court other than a principal Civil Court of original jurisdiction or to any Court of Small Causes established under section 5 of the Provincial Small Cause Courts Act, 1887 (9 of 1887), or to a Collector or other Officer of Revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees;

Forty paise.

or when presented to any Civil, Criminal or Revenue Court, or to any Board or Executive Officer for the purpose of obtaining a copy or translation of any judgment, decree, or order passed by such Court, Board or Officer, or of any other document on record in such Court or Officer.

(b) When containing a complaint or charge of any offence other than an offence for which police officers may under the Code of Criminal Procedure, 1898 (5 of 1898) arrest without warrant, and presented to any Criminal Court;

or when presented to a Civil, Criminal or Revenue Court, or to a Collector, or any Revenue Officer having jurisdiction equal or subordinate to

1	2	3
	a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by this Act;	
	or to deposit in Court revenue or rent; or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant.	One rupee twenty-five paise.
	(c) When presented to a Chief Controlling Revenue or Executive Authority, or to a Commissioner of Revenue or Circuit, or to any Chief Officer charged with the executive administration of a Division and not otherwise provided for by this Act.	
	(d) When presented to the High Court—	
	(i) under the Companies Act, 1956 (1 of 1956) for winding up a company;	Rupees two hundred and sixty.
	(ii) under the same Act for taking some other judicial action;	Thirteen rupees.
	(iii) under Article 226 of the Constitution of India other than petitions for habeas corpus and petitions arising out of criminal proceeding;	Fifty rupees.
	(iv) in all other cases.	Two rupees sixty-five paise.
2. Application to any Civil Court that records may be called for from another Court.	When the court grants the application and is of opinion that the transmission of such records involves the use of the post.	One rupee in addition to any fee levied on the application under— clause (a), clause (b), or clause (d) of article 1 of this Schedule.
3. Application for leave to sue as a pauper.	..	One rupee twenty-five paise.
4. Application for leave to appeal as a pauper.	(a) When presented to a District Court.	One rupee twenty-five paise.
	(b) When presented to a Commissioner of the High Court.	Two rupees sixty-five paise.

1	2	3
5. Complaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.	..	One rupee twenty-five paise.
6. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1898 (5 of 1898), or the Code of Civil Procedure, 1908 (5 of 1908) and not otherwise provided for by this Act.	..	Sixty-five paise.
7. Undertaking under section 49 of the Indian Divorce Act, 1869 (4 of 1869).	..	One rupee twenty-five paise.
8. Mukhtarnama or Wakalatnama.	When presented for the conduct of any one case,—	
	(a) to any Civil or Criminal Court other than the High Court, or to any Collector or Magistrate, or other Executive Officer except such as are mentioned in clauses (b) and (c) of this Number;	One rupee twenty-five paise.
	(b) to a Commissioner of Revenue, Circuit or Customs or to any officer charged with the executive administration of a division, not being the Chief Revenue or Executive Authority;	One rupee twenty-five paise.
	(c) to the High Court, Board of Revenue, or other Chief Controlling Revenue or Executive Authority.	Two rupees sixty-five paise.
9. Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree, and is presented.	(a) To any Civil Court other than High Court or to any Revenue Court or Executive Officer other than the High Court or Chief Controlling Revenue or Executive Authority;	One rupee twenty-five paise.

1	2	3
	(b) to the High Court or Chief Controlling Executive or Revenue Authority.	Five rupees twenty-five paise
10. Caveat	..	Six rupees fifty paise
11. Petition in a suit under the Converts Marriage Dissolution Act, 1866. (21 of 1866).	..	Six rupees fifty paise
12. Every petition or application or memorandum or appeal under the Special Marriage Act, 1954 (43 of 1954) or the Hindu Marriage Act, 1955 (25 of 1955).	..	Nineteen rupees fifty paise
13. Plaint or memorandum of appeal in each of the following suits:—		
(i) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court;		
(ii) to alter or cancel any entry in a register of the names of the proprietors of revenue paying estates;		
(iii) to obtain a declaratory decree where no consequential relief is prayed;	..	Nineteen rupees fifty paise.
(iv) to set aside an award;		
(v) to set aside an adoption;		
(vi) every other suit where it is not possible to estimate at a money value the subject matter in dispute		

1	2	3
and which is not otherwise provided for by this Act.		
14. Application under section 20 of the Indian Arbitration Act, 1940 (10 of 1940).	..	Thirteen rupees
15. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908 (5 of 1908).	..	Thirteen rupees
16. Every petition under the Indian Divorce Act, 1899 (4 of 1899) except petitions under section 44 of the same Act, and every memorandum of appeal under section 55 of the same Act.	..	ty-nine rupees
17. Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1936 (3 of 1936).	..	Thirty-nine rupees
18. Plaint or memorandum of appeal in a suit by a reversioner under the Himachal Pradesh Customary Law for declaration in respect of an alienation of ancestral land.	..	Nineteen rupees fifty paise
19. Application or memorandum of appeal for relief under the East Punjab Urban Rent Restriction Act, 1949 (3 of 1949) as in force in Himachal Pradesh.	..	Thirteen rupees
20. Claims for money (whether secured or un-secured) or a claim to set off made against such	(a) Where the amount does not exceed Rs. 2,500.	Nineteen rupees fifty paise



1	2	3
claims or counter-claims under the Banking Companies Regulations Act, 1949 (Act 10 of 1949).	(b) Where the amount exceeds Rs. 2,500 but does not exceed Rs. 10,000.	Thirty-nine rupees
	(c) Where the amount exceeds Rs. 10,000.	Sixty-five rupees
21. Memorandum of appeal from an order or decision passed under the provisions of section 45-B of the Banking Companies Regulations Act, 1949 (Act 10 of 1949).	(a) Where the amount exceeds Rs. 5,000 but does not exceed Rs. 10,000.	Seventy-eight rupees
	(b) Where the amount exceeds Rs. 10,000.	One hundred and thirty rupees

### THE THIRD SCHEDULE

(See section 27)

FORM OF VALUATION (TO BE USED WITH SUCH MODIFICATIONS, IF ANY, AS MAY BE NECESSARY)

IN THE COURT OF

Reprobate of the Will of \_\_\_\_\_, (or administration of the),  
property and credits of \_\_\_\_\_, deceased.

I

Solemnly affirm

make oath

and say that I am the executor (or one of the executors or one of the next-of-kin) of \_\_\_\_\_, deceased, and that I have truly set forth in Annexure 'A' to this affidavit all the property and credits of which the above named deceased died possessed or was entitled to at the time of his death, and which have come, or are likely to come, to my hands.

2. I further say that I have also truly set forth in Annexure 'B' all the items I am by law allowed to deduct.

3. I further say that the said assets, exclusive only of such last-mentioned items, but inclusive of all rents, interest, dividends and increased values since the date of the death of the said deceased, are under the value of

ANNEXURE 'A'

VALUATION OF THE MOVABLE AND IMMOVABLE PROPERTY OF  
....., DECEASED

Rs.

Cash in the house and at the banks, household goods, wearing-apparel, books, plate, jewels, etc. ..

(State estimated value according to best of Executor's or Administrator's belief).

Property in Government securities transferable at the Public Debt Office ..

(State description and value at the price of the day; also the interest separately, calculating it to the time of making the application).

Immovable property consisting of .....

(State description, giving in the case of houses, the assessed value, if any, and the number of years assessment the market-value is estimated at, and, in the case of land, the area, the market-value and all rents that have accrued).

Leasehold property .....

(If the deceased held any leases for years, determinable, state the number of year's purchase the profit rents are estimated to be worth and the value of such, inserting separately arrears due at the date of death and all rents received or due since that date to the time of making the application).

Property in Public Companies—

(State the particulars and the value calculated at the price of the day; also the interest separately, calculating it to the time of making the application).

Policy of insurance upon life, money out on mortgage and other securities, such as bonds, mortgages, bills, notes and other securities for money. ..

(State the amount of the whole; also the interest separately, calculating it to the time of making the application).

Book debts.....

(Other than bad).

Stock in trade .....

(State the estimated value, if any).

Other property not comprised under the foregoing heads ..

(State the estimated value, if any).

TOTAL ..

Deduct amount shown in Annexure 'B' not subject to duty ..

NET TOTAL ..

## ANNEXURE 'B'

*SCHEDULE OF DEBTS, ETC.*

	Rs.
Amount of debts due and owing from the deceased, payable by law out of the estate.....	
Amount of funeral expenses.....	
Amount of mortgage incumbrances.....	
Property held in trust not beneficially or with general power to confer a beneficial interest.....	
Other property not subject to duty .....	
<b>TOTAL ..</b>	<b>_____</b>
	<b>_____</b>

### STATEMENT OF OBJECTS AND REASONS

At present, the Court Fees Act, 1870 which provides for the levy of court fees is in force with different amendments and provisions of law in the two different areas of Himachal Pradesh, viz., the areas transferred to Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966 and the territory comprised in Himachal Pradesh immediately prior to 1st November, 1966. With a view to bringing about uniformity in the matter of levy of court fees, it is necessary to have a unified law for the entire Himachal Pradesh. The Bill seeks to achieve the aforesaid object.

SIMLA:  
The 22nd January, 1968.

LAL CHAND PRARTHII,  
*Revenue Minister.*

---

### FINANCIAL MEMORANDUM

The rates of court fees provided in the Bill and those of the Acts to be repealed under it are identical and as such there will be neither increase nor decrease in the income derived from this source to the Government.

---

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 28, 36 and 41 empower the State Government to make rules in respect of the matter enumerated in these clauses. Clauses 30 and 33 empower the High Court to make rules in respect of the matters enumerated in these clauses.

